

1 ALEX CORNS,

2 Plaintiff,

3 v.

4 LABORERS INTERNATIONAL UNION OF
5 NORTH AMERICA; NORTHERN CALIFORNIA
6 DISTRICT COUNCIL OF LABORERS; AND HOD
7 CARRIERS LOCAL UNION NO. 166,
8 AFFILIATED WITH THE LABORERS
9 INTERNATIONAL UNION OF NORTH AMERICA,

10 Defendants.

11 Case No.: 09-CV-4403 YGR

12 **ORDER:**

13 (1) VACATING EVIDENTIARY HEARING;
14 (2) DENYING MOTION TO STRIKE AND
15 GRANTING LEAVE TO FILE RESPONSIVE
16 BRIEF; AND
17 (3) DIRECTING FILING OF ATTORNEYS' FEES
18 MOTION

19 By Order issued March 31, 2014, this Court previously set an evidentiary hearing
20 concerning the appropriate relief in this matter, as well as a pre-hearing conference concerning the
21 evidence and issues to be presented at such evidentiary hearing. The parties filed briefs and
22 proposed witness lists in advance of that pre-hearing conference, the Court heard from the parties
23 during the conference held April 28, 2014. The Court granted Defendants leave to file objections
24 to Plaintiff's proposed witness list and Plaintiff leave to file a response thereto.

25 Defendants filed their objections on April 30, 2014. (Dkt. No. 95). Plaintiff filed a
26 Response to Unions' Objections on May 2, 2014. (Dkt. No. 96). Defendants filed a Motion to
27 Strike Plaintiff's Response brief or, in the alternative, to be permitted to file additional briefing
28 addressed to the new issues raised in Plaintiff's Response. (Dkt. No. 97.)

29 The Court having reviewed the parties' filings, and particularly considering the evidence the
30 parties intended to present concerning the proper remedy here, now **VACATES** the evidentiary
31 hearing set for May 16, 2014. Plaintiff's proposed live testimony is directed to the operations of
32 Local 166, the relative amount of dues paid by Local 166 members compared to others, the reasons
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1 for the dues increase, and the salaries paid to Local 166 officials and staff. The Court determines
2 this proffered evidence to be irrelevant to the determination of a proper remedy here. Thus, the
3 Court finds no need for presentation of live evidence at this time.

4 As to Defendants' Motion to Strike, in the interest of deciding the issues on a complete
5 record, the Motion to Strike is **DENIED**. However, the Court **GRANTS** Defendants' alternative
6 request for leave to file a responsive brief. Defendants shall file a brief of no more than five pages,
7 addressed to the new issues raised in Plaintiff's Response, no later than **May 12, 2014**.

8 Finally, the Court intends to consider the issue of attorneys' fees in conjunction with the
9 determination of an appropriate remedy. Plaintiff is therefore directed to file his motion for
10 attorneys' fees no later than **May 27, 2014**, with a hearing date of July 15, 2014.

11 This terminates Docket No. 97.

12 **IT IS SO ORDERED.**

13 Date: May 7, 2014



14 **YVONNE GONZALEZ ROGERS**
UNITED STATES DISTRICT COURT JUDGE